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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,475	12/31/2003	Ralph L. Anderson	KCX-813 (19344)	3932
22827	7590	06/01/2006		
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			EXAMINER WATKINS III, WILLIAM P	
			ART UNIT 1772	PAPER NUMBER
DATE MAILED: 06/01/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/749,475	<b>Applicant(s)</b> ANDERSON ET AL.	
	<b>Examiner</b> William P. Watkins III	<b>Art Unit</b> 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) 48,50,52,53 and 55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47,49,51,54,56 and 57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Translation of JP 10-134102-A</u> .    |

**DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application on 13 March 2006 after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 17 January 2006 has been entered.

2. The rejection over Cabell et al. given in section 2 of the detailed portion of the office action mailed 15 November 2005 is withdrawn in view of applicant's amendments and arguments filed 17 January 2006.

3. The rejection over Gentile et al. in view of Cabell et al. given in section 3 of the detailed portion of the office action mailed 15 November 2005 is withdrawn in view of applicant's amendments and arguments filed 17 January 2006.

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4. The examiner notes that the withdrawal of claim 53 was maintained in section 1 of the detailed portion of the office action mailed 02 June 2005. The claim is currently withdrawn from consideration, which is contrary to the status identifier for the claim in the amendment filed 17 January 2006.

5. Claims 37-38, 41-46, 47, 49, 51, 54 and 56-57 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

"Reduced Poisson ratio" is a comparative term. It is unclear in the claim and unclear from the specification what the basis of comparison should be.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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7. Claims 47, 54 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chappell et al. (U.S. 6,027,483) in view of JP-A 10-134102 (Thomson translation).

Chappell et al. teach a web material, that has elastic behavior, which may be a nonwoven fibrous web, that has an embossed pattern that causes it to have a Poisson lateral contraction effect that is reduced from that of a web that has not been embossed. The contraction in the lateral direction may be less than .3 (col. 10, lines 40-65, col. 10, lines 40-65, col. 1, lines 10-30). JP-A 10-134102 teaches the formation of an elastic material with a negative or reduced Poisson ratio by bonding to the material a second material that is formed in lines that form a pattern of cells, with the cells having a constrained part between two expanded regions (sections 006 and 007 of the translation). The instant invention claims a nonwoven web with a pattern of cells with a constrained section bonded to the web so that the web has a reduced or negative Poisson ratio so that the width of the laminate has reduced contraction when the web is expanded in the longitudinal direction. It would have been obvious to one of ordinary skill in the art to have used a bonded pattern of cells on the nonwoven web of Chappell et al. in order to have a reduced

Poisson ratio without embossing because of the teachings of the JP-A 10-134102 reference.

8. Claims 1-46, 49, 51 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chappell et al. (U.S. 6,027,483) in view of JP-A 10-134102 (Thomson translation) as applied to claims 47, 54 and 57 above, and further in view of Cabell et al. (U.S. 6,458,447).

Cabell et al. teach making a nonwoven embossed elastic like disposable web out of pulp fibers (abstract, col. 1, lines 10-20). The instant invention claims a nonwoven web with a pattern of bonding with a reduced Poisson ratio made of pulp fiber. It would have been obvious to one of ordinary skill in the art to make the nonwoven web material of Chappell et al. in view of JP-A 10-134102 out of pulp fiber in order to have a low cost disposable web material because of the teachings of Cabell et al.

9. Applicant's arguments with respect to claims 1-47, 49, 51, 54, 56 and 57 have been considered but are moot in view of the new ground(s) of rejection.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



WW/ww

May 28, 2006

**WILLIAM P. WATKINS III**  
**PRIMARY EXAMINER**